IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 13122 of 2004

Between:
M/s Rasani Srinivas Wood Works & Timber Depot, Jagannaikapur, Kakinada,
rep.by its Proprietor Rasani Srinivas, S/o Late Sri Ramulu, aged about 42
years (Saw Mill Business), R/o Gogudanayyapeta, Jagnnaikpur, Kakinada, East
Godavari District.

... PETITIONER

AND

1 The District Forest Officer, Kakinada Division, Kakinada,
East Godavari District.
2 Conservator of Forests, Rajahmundry Circle,
East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the concellation of license of M/s Rasani Srinivas Wood Works & Timber Depot, Jagannaikpur, Kakinada by the 1st respondent by his proceedings R.C.No.578/99.P, dated 14-10-2003 which was conformed by the 2nd respondent in his

proceedings dated 14-06-2004 in R.C.No.9408/2003-M1 as illegal, arbitrary, capricious unjust and unwarranted and on irrelevant grounds and therefore it is violative of Article 19(1)(g) and 21 Constitution of India and consequently to set aside the same or to pass any other or orders.

Counsel for the Petitioner: SMT.N. (P). ANJANA DEVI, SATYANARAYANA

Counsel for the Respondents: GP FOR FORESTS

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader appearing on behalf of the respondents.

2. Petitioner is running a baby sawmill after obtaining license from the competent authority in Gogudaneyyapeta, Kakinada under the name and style of M/s Rasani Srinivas Wood Works & Timber Depot, a proprietary concern to which the petitioner is the proprietor. The said license granted in favour of the petitioner was cancelled by the Divisional Forest Officer, Kakinada by proceedings dated 23-02-2002. The cancellation was effected on the ground that the title deed for Plot No.76 produced by the petitioner was not genuine and the petitioner had tampered with the

records by incorporating his name in place of Mr.Savaram Subba Rao, who was originally assigned Plot No.76. Aggrieved by the same, petitioner filed an appeal before the second respondent assailing the correctness of the order passed earlier without giving any opportunity to him. The appellate authority confirmed the cancellation order against which, petitioner filed W.P.No.15749 of 2002 and the same was allowed by this Court holding that the impugned cancellation order dated 23-02-2002 cancelling the petitioner's license dated 25-03-1999, which was renewed upto

31-12-2001, is in violation of principles of natural justice and the same was cancelled without affording any opportunity to the petitioner and the same was set aside with liberty to the respondents to initiate proceedings against the petitioner.

3. On disposal of the Writ Petition, petitioner was called upon to appear for the enquiry and the same was conducted on

30-09-2003 by the District Forest Officer. After noticing that the Revenue Divisional Officer cancelled the patta for Plot No.76 in Sy.No.222/5, 226/1, which was informed by the R.D.O., license of the petitioner was cancelled by the first respondent on

14-10-2003. It is relevant to notice that on a complaint filed by Chindada Chinna and others before A.P.Lokayukta, Hyderabad, against the petitioner over Plot No.76, the said complaint was forwarded to the District Collector, who in turn requested the R.D.O and D.F.O to enquire into the complaint and take action. The R.D.O conducted enquiry and confirmed that the patta for the sawmill was given to one Mr.Savaram Subba Rao in Sy.No.222/5, 226/1 by the Tahsildar, Kakinada. Petitioner, who applied for the sawmill license for establishing the same in Plot No.76 tampered with the same by incorporating his name in place of Mr. Savaram Subba Rao and obtained the license.

4. Thereafter, D.F.O, Kakinada issued show cause notice with clear instructions to the petitioner to appear with necessary records. Petitioner, though appeared for the enquiry on

30-09-2003, did not produce any evidence to show that he is the owner of the suit schedule property, except stating that he is the owner of the land. The original patta, which alleged to be granted in favour of the petitioner, which is now said to have been cancelled by the R.D.O., has not been produced before the D.F.O during the enquiry. In view of the same, the D.F.O.

held that petitioner is not eligible for sanction of license unless he establishes his ownership over the said land. The legality and correctness of the same is now challenged in the present Writ Petition.

5. Learned counsel for the petitioner submits that the R.D.O., who said to have cancelled the D Form Patta granted, has not communicated the order to the petitioner, nor any enquiry was conducted, issuing notice to the petitioner. When the petitioner appeared before the R.D.O for issuance of cancellation order, the petitioner was not furnished with the same either by the R.D.O. or the Forest Officials, who cancelled the sawmill license. In view of the same, the cancellation of the sawmill license is erroneous and the same is liable to be set aside.

6. I see no force in the submission made by the learned counsel for petitioner for the reason that when the petitioner himself has not produced the original D Form Patta and when the R.D.O informed the forest officials that the D Form Patta was originally granted to one Mr. Savaram Subba Rao and whose name has been now tampered with by the petitioner, who incorporated his name, the petitioner, if aggrieved could have challenged the proceedings, cancelling the

patta by the R.D.O. In view of the same, the order passed by the D.F.O. as confirmed by the Chief Conservator of Forests does not suffer from any infirmity, which can be corrected by this Court in exercise of the Certiorari jurisdiction.

The Writ Petition is accordingly dismissed. No costs. It is always open for the petitioner to assail the correctness of the proceedings issued by the R.D.O., in cancelling the patta, if any, before the appropriate forum. It is also open for the D.F.O or the R.D.O. to lodge necessary complaint with the police against the petitioner for his tampering with the D. Form Patta on which basis, he obtained the sawmill license.

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A. GOPAL REDDY, J

September 16, 2004
MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To:

1 The District Forest Officer, Kakinada Division, Kakinada,
East Godavari District.
2 Conservator of Forests, Rajahmundry Circle,
East Godavari District.
3 The Revenue Divisional Officer, Kakinada.
4 Two C.C.s to the G.P. for Forests, High Court Buildings,
Hyderabad (OUT).
5 Two C.D. Copies.